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April 11, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

In the Matter of:

Rules Governing Telephone
Companies' Use of Customer
Proprietary Network Information

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CC Docket 90-623
CC Docket 92-256

Dear Mr. Caton:

Enclosed please find an original and six copies of Cincinnati Bell Telephone Company's Comments in the above-referenced proceeding.

Please date stamp and return the enclosed duplicate copy of this letter as acknowledgement of its receipt. Questions regarding this document should be directed to Mrs. Judith A. Gardner at the above address or by calling (513) 397-1333.

Sincerely,

Cheryl N. Campbell

Enclosures

c: Rose M. Crellin
ITS

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 94-63

In the Matter of)	
)	
<u>Computer III</u> Remand Proceedings:)	CC Docket No. 90-623
Bell Operating Company Safeguards)	
and Tier 1 Local Exchange Company)	
Safeguards)	
)	
In the Matter of)	
)	
Application of Open Network)	CC Docket No. 92-256
Architecture and Nondiscrimination)	
Safeguards to GTE Corporation)	

COMMENTS OF CINCINNATI BELL TELEPHONE COMPANY

By public notice (Notice), FCC 94-63, in the above-captioned dockets, the Commission seeks additional comment on rules governing access to telephone companies' customer proprietary network information (CPNI). Specifically, the Commission indicates that "local telephone companies have planned and entered into a number of alliances, acquisitions, and mergers with non-telephone company partners. In this changing environment, access to CPNI among affiliated companies may raise additional privacy concerns."¹ The Commission then takes this assumption and questions whether CPNI rules should be extended to residential and small business customers. It also asks whether those rules should apply to LECs other than the BOCs and GTE.

¹ Notice, pages 2-3.

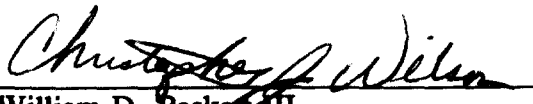
Cincinnati Bell Telephone Company (CBT) believes it is neither desirable nor necessary for the Commission to extend the CPNI rules currently applicable only to the BOCs and GTE to CBT and other independent LECs. It is also not necessary to expand the rules to include residential and small-business customers. CBT believes the existing CPNI safeguards adequately balance customers' privacy, competitive equity, and efficiency, and these safeguards will continue to do so, regardless of the sizes of the entities resulting from alliances, acquisitions, or mergers with non-telephone partners. The current safeguards are adequate because there is a lack of evidence of abuse or customer concerns and complaints. The Commission should not try to solve a problem that does not, or may never, exist. Changing the CPNI rules as the Commission is considering would not benefit customers and would be an unnecessary burden to smaller independent LECs.

In an increasingly competitive telecommunications environment, the imposition of rules on the use of and access to customer information by only one segment of that industry tends to distort, not equalize, competition. Expansion of the CPNI rules will inhibit innovation and growth of services to customers. Although CBT does not agree it is necessary to expand the current rules now, if the Commission later determines a problem exists and new rules are therefore necessary, then those rules should apply to every communications provider, not just the LECs.

CBT emphasizes that no additional rules governing telephone companies' CPNI are necessary to maintain the balance between customers' privacy interests, competitive equity and efficiency.

Respectfully submitted,

FROST & JACOBS

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Company

Dated: April 11, 1994

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